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**SENATE BILL 6453**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State

Read first time 01/21/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the modified blanket primary; amending RCW  
2 29A.36.170, 29A.24.030, 29A.20.020, 29A.52.110, 29A.04.085, 29A.04.127,  
3 29A.04.310, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170,  
4 29A.20.180, 29A.20.190, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.140,  
5 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.190, 29A.24.310, 29A.28.040,  
6 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.100, 29A.36.200, 29A.52.010,  
7 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020,  
8 29A.64.040, 29A.64.060, 29A.64.080, 29A.84.710, and 42.17.020; adding  
9 new sections to chapter 29A.52 RCW; adding a new section to chapter  
10 29A.24 RCW; adding a new section to chapter 29A.04 RCW; adding a new  
11 section to chapter 29A.28 RCW; creating new sections; repealing RCW  
12 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210,  
13 29A.28.010, 29A.28.020, and 29A.36.190; providing a contingent  
14 effective date; and declaring an emergency.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

16 PART I  
17 SHORT TITLE AND FINDINGS



1 (a) On July 1, 2004, if, as of that date, the decision issued by  
2 the United States Court of Appeals for the Ninth Circuit on September  
3 15, 2003, in the case of *Democratic Party of Washington State v. Reed*  
4 has not been withdrawn, stayed, reversed, or otherwise superseded;

5 (b) On July 1, 2004, if any other decision of any court of  
6 competent jurisdiction is in effect as of that date holding  
7 unconstitutional the system for conducting partisan primaries provided  
8 for by statute before the enactment of this act;

9 (c) On such later date, after July 1, 2004, but before January 1,  
10 2007, if a court of competent jurisdiction enters a ruling holding  
11 unconstitutional the system for conducting partisan primaries provided  
12 for by statute before the enactment of this act.

13 (2) If the circumstances described in subsection (1) of this  
14 section do not occur before January 1, 2007, then this act is null and  
15 void in its entirety.

16 (3) If this act goes into effect under subsection (1) of this  
17 section, but no later than January 1, 2008, a decision causing this act  
18 to take effect is reversed or overruled, then this act becomes null and  
19 void as of the date the decision to reverse or overrule becomes final.  
20 If a primary for partisan office is scheduled to occur within thirty  
21 days after that date, then this act becomes null and void one day after  
22 the results of the general election that follows that primary are  
23 certified.

24 (4) Section 442 of this act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and takes effect  
27 immediately.

28 PART III

29 VOTING RIGHTS AT PRIMARIES

30 **Sec. 301.** RCW 29A.36.170 and 2003 c 111 s 917 are each amended to  
31 read as follows:

32 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of  
33 this section, on the ballot at the general election for ((a  
34 ~~nonpartisan~~) an office for which a primary was held, only the names of  
35 the candidate who received the greatest number of votes and the  
36 candidate who received the next greatest number of votes for that

1 office shall appear under the title of that office, and the names shall  
2 appear in that order. If a primary was conducted, no candidate's name  
3 may be printed on the subsequent general election ballot unless he or  
4 she receives at least one percent of the total votes cast for that  
5 office at the preceding primary. On the ballot at the general election  
6 for (~~any other nonpartisan~~) an office for which no primary was held,  
7 the names of the candidates shall be listed in the order determined  
8 under RCW 29A.36.130.

9 (2) On the ballot at the general election for the office of justice  
10 of the supreme court, judge of the court of appeals, judge of the  
11 superior court, or state superintendent of public instruction, if a  
12 candidate in a contested primary receives a majority of all the votes  
13 cast for that office or position, only the name of that candidate may  
14 be printed under the title of the office for that position.

15 **Sec. 302.** RCW 29A.24.030 and 2003 c 111 s 603 are each amended to  
16 read as follows:

17 A candidate who desires to have his or her name printed on the  
18 ballot for election to an office other than president of the United  
19 States, vice president of the United States, or an office for which  
20 ownership of property is a prerequisite to voting shall complete and  
21 file a declaration of candidacy. The secretary of state shall adopt,  
22 by rule, a declaration of candidacy form for the office of precinct  
23 committee officer and a separate standard form for candidates for all  
24 other offices filing under this chapter. Included on the standard form  
25 shall be:

26 (1) A place for the candidate to declare that he or she is a  
27 registered voter within the jurisdiction of the office for which he or  
28 she is filing, and the address at which he or she is registered;

29 (2) A place for the candidate to indicate the position for which he  
30 or she is filing;

31 (3) For those offices defined in section 402 of this act only, a  
32 place for the candidate to indicate (~~a party designation, if~~  
33 applicable)) which major or minor political party, if any, the  
34 candidate regards as best approximating his or her own political  
35 philosophy. No candidate may list more than one political party.  
36 Nothing in this declaration of party philosophy may be construed as  
37 denoting an endorsement, or nomination by that party. If a court of

1 competent jurisdiction holds that a political party has a right to  
2 control the use of the name in a manner inconsistent with this  
3 subsection, this subsection is inoperative and section 303 of this act  
4 applies;

5 (4) A place for the candidate to indicate the amount of the filing  
6 fee accompanying the declaration of candidacy or for the candidate to  
7 indicate that he or she is filing a (~~nominating~~) petition in lieu of  
8 the filing fee under RCW 29A.24.090;

9 (5) A place for the candidate to sign the declaration of candidacy,  
10 stating that the information provided on the form is true and swearing  
11 or affirming that he or she will support the Constitution and laws of  
12 the United States and the Constitution and laws of the state of  
13 Washington.

14 In the case of a declaration of candidacy filed electronically,  
15 submission of the form constitutes agreement that the information  
16 provided with the filing is true, that he or she will support the  
17 Constitutions and laws of the United States and the state of  
18 Washington, and that he or she agrees to electronic payment of the  
19 filing fee established in RCW 29A.24.090.

20 The secretary of state may require any other information on the  
21 form he or she deems appropriate to facilitate the filing process.

22 NEW SECTION. Sec. 303. A new section is added to chapter 29A.24  
23 RCW to read as follows:

24 If, as provided in RCW 29A.24.030(3), a court of competent  
25 jurisdiction holds that a political party has the right to control the  
26 use of its name in a manner inconsistent with the provision of that  
27 subsection, then the following process applies:

28 For those offices defined in section 402 of this act, a place for  
29 the candidate to submit a description of up to three words that the  
30 candidate regards as best approximating his or her own political  
31 preference. The secretary of state shall adopt rules as necessary for  
32 the implementation of this section.

33 **Sec. 304.** RCW 29A.20.020 and 2003 c 111 s 502 are each amended to  
34 read as follows:

35 (1) A person filing a declaration of candidacy for an office shall,

1 at the time of filing, be a registered voter and possess the  
2 qualifications specified by law for persons who may be elected to the  
3 office.

4 (2) Excluding the office of precinct committee officer or a  
5 temporary elected position such as a charter review board member or  
6 freeholder, no person may file for more than one office.

7 (3) The name of a candidate for an office shall not appear on a  
8 ballot for that office unless, except as provided in RCW 3.46.067 and  
9 3.50.057, the candidate is, at the time the candidate's declaration of  
10 candidacy is filed, properly registered to vote in the geographic area  
11 represented by the office. For the purposes of this section, each  
12 geographic area in which registered voters may cast ballots for an  
13 office is represented by that office. If a person elected to an office  
14 must be nominated from a district or similar division of the geographic  
15 area represented by the office, the name of a candidate for the office  
16 shall not appear on a primary ballot for that office unless the  
17 candidate is, at the time the candidate's declaration of candidacy is  
18 filed, properly registered to vote in that district or division. The  
19 officer with whom declarations of candidacy must be filed under this  
20 title shall review each such declaration filed regarding compliance  
21 with this subsection.

22 (4) ~~((This section does not apply to the office of a member of the  
23 United States Congress.))~~ (a) The name of a candidate for a partisan  
24 office may not appear on the ballot for that office unless his or her  
25 declaration of candidacy is accompanied by a filing petition. The  
26 filing petition must contain the signatures of at least twenty-five  
27 voters registered within the jurisdiction of the office, or in the case  
28 of offices voted upon statewide at least two hundred voters registered  
29 in the state. The filing petition must be in substantially the same  
30 form as provided in RCW 29A.24.100.

31 (b) If a candidate submits a petition in lieu of a filing fee as  
32 specified in RCW 29A.24.090, the filing petition specified in (a) of  
33 this subsection is not required.

34 (5) The requirements of voter registration and residence within the  
35 geographic area of a district do not apply to candidates for  
36 congressional office. Qualifications for United State Congress are  
37 specified in the United States Constitution.



1 at least one (~~nominee for president, vice president, United States~~  
2 ~~senator, or a statewide office received at least five percent of the~~  
3 ~~total vote cast at the last preceding state general election in an~~  
4 ~~even-numbered year. A political party qualifying as a major political~~  
5 ~~party under this section retains such status until the next even-year~~  
6 ~~election at which a candidate of that party does not achieve at least~~  
7 ~~five percent of the vote for one of the previously specified offices.~~  
8 ~~If none of these offices appear on the ballot in an even-year general~~  
9 ~~election, the major party retains its status as a major party through~~  
10 ~~that election)) candidate for an office voted upon statewide who  
11 expressed a preference for that party best approximating his or her own  
12 political philosophy on his or her declaration of candidacy received at  
13 least five percent of the total votes cast at the last preceding  
14 primary election or general election occurring in a year in which the  
15 governor is elected.~~

16 NEW SECTION. Sec. 402. A new section is added to chapter 29A.04  
17 RCW to read as follows:

18 "Partisan office" means an office for which a candidate may  
19 identify a political party under RCW 29A.24.030(3), or if applicable a  
20 political preference under section 303 of this act, and is limited to  
21 the following offices:

22 (1) United States senator and representative;

23 (2) All state offices except (a) judicial offices and (b) the  
24 office of superintendent of public instruction;

25 (3) All county offices except (a) judicial offices and (b) those  
26 offices where a county home rule charter provide otherwise.

27 **Sec. 403.** RCW 29A.04.127 and 2003 c 111 s 122 are each amended to  
28 read as follows:

29 "Primary" (~~or "primary election"~~) means a statutory qualifying  
30 procedure ((for nominating candidates to public office at the polls))  
31 by which all voters are permitted to cast a vote for his or her  
32 preferred candidate for each office appearing on the ballot, without  
33 any limitation based on party preference or affiliation, of either the  
34 voter or the candidate with the result that not more than two  
35 candidates for each office will qualify to appear on the general  
36 election ballot.

1           **Sec. 404.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to  
2 read as follows:

3           (~~Nominating~~) Primaries for general elections to be held in  
4 November must be held on the third Tuesday of the preceding September  
5 or on the seventh Tuesday immediately preceding such general election,  
6 whichever occurs first.

7           **Sec. 405.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to  
8 read as follows:

9           (~~(1) Any nomination of a candidate for partisan public office by~~  
10 ~~other than a major political party may be made only: (a) In a~~  
11 ~~convention held not earlier than the last Saturday in June and not~~  
12 ~~later than the first Saturday in July or during any of the seven days~~  
13 ~~immediately preceding the first day for filing declarations of~~  
14 ~~candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided~~  
15 ~~by RCW 29A.60.020; or (c) as otherwise provided in this section.~~

16           (2)) Nominations of candidates for president and vice president of  
17 the United States other than by a major political party (~~may~~) must be  
18 made (~~either at a convention conducted under subsection (1) of this~~  
19 ~~section, or~~) at a (~~similar~~) convention (~~taking place~~) to be held  
20 not earlier than the first Sunday in July and not later than seventy  
21 days before the general election. (~~Conventions held during this time~~  
22 ~~period may not nominate candidates for any public office other than~~  
23 ~~president and vice president of the United States, except as provided~~  
24 ~~in subsection (3) of this section.~~

25           (3) ~~If a special filing period for a partisan office is opened~~  
26 ~~under RCW 29A.24.210, candidates of minor political parties and~~  
27 ~~independent candidates may file for office during that special filing~~  
28 ~~period. The names of those candidates may not appear on the ballot~~  
29 ~~unless they are nominated by convention held no later than five days~~  
30 ~~after the close of the special filing period and a certificate of~~  
31 ~~nomination is filed with the filing officer no later than three days~~  
32 ~~after the convention. The requirements of RCW 29A.20.130 do not apply~~  
33 ~~to such a convention. If primary ballots or a voters' pamphlet are~~  
34 ~~ordered to be printed before the deadline for submitting the~~  
35 ~~certificate of nomination and the certificate has not been filed, then~~  
36 ~~the candidate's name will be included but may not appear on the general~~

1 ~~election ballot unless the certificate is timely filed and the~~  
2 ~~candidate otherwise qualifies to appear on that ballot.~~

3 ~~(4) A minor political party may hold more than one convention but~~  
4 ~~in no case shall any such party nominate more than one candidate for~~  
5 ~~any one partisan public office or position. For the purpose of~~  
6 ~~nominating candidates for the offices of president and vice president,~~  
7 ~~United States senator, or a statewide office, a minor party or~~  
8 ~~independent candidate holding multiple conventions may add together the~~  
9 ~~number of signatures of different individuals from each convention~~  
10 ~~obtained in support of the candidate or candidates in order to obtain~~  
11 ~~the number required by RCW 29A.20.140. For all other offices for which~~  
12 ~~nominations are made, signatures of the requisite number of registered~~  
13 ~~voters must be obtained at a single convention.))~~

14 **Sec. 406.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to  
15 read as follows:

16 ~~((1) To be valid, a convention must be attended by at least~~  
17 ~~twenty five registered voters.~~

18 ~~(2)) In order to nominate candidates for the offices of president~~  
19 ~~and vice president of the United States, ((United States senator, or~~  
20 ~~any statewide office,)) a nominating convention shall obtain and submit~~  
21 ~~to the filing officer the signatures of at least two hundred registered~~  
22 ~~voters of the state of Washington. ((In order to nominate candidates~~  
23 ~~for any other office, a nominating convention shall obtain and submit~~  
24 ~~to the filing officer the signatures of twenty five persons who are~~  
25 ~~registered to vote in the jurisdiction of the office for which the~~  
26 ~~nominations are made.))~~

27 **Sec. 407.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to  
28 read as follows:

29 A nominating petition submitted under this chapter shall clearly  
30 identify the name of the minor party or independent candidate  
31 ~~((convention as it appears on the certificate of nomination as required~~  
32 ~~by RCW 29A.20.160(3))). The petition shall also contain a statement~~  
33 ~~that the person signing the petition is a registered voter of the state~~  
34 ~~of Washington and shall have a space for the voter to sign his or her~~  
35 ~~name and to print his or her name and address. ((No person may sign~~  
36 ~~more than one nominating petition under this chapter for an office for~~

1 ~~a primary or election.~~) The nominating petition must be submitted to  
2 the secretary of state not later than ten days after adjournment of the  
3 convention.

4 **Sec. 408.** RCW 29A.20.160 and 2003 c 111 s 510 are each amended to  
5 read as follows:

6 A certificate evidencing nominations of candidates for the offices  
7 of president and vice president made at a convention must:

8 (1) Be in writing;

9 (2) Contain the name of each person nominated (~~(, his or her~~  
10 ~~residence, and the office for which he or she is named, and if the~~  
11 ~~nomination is~~)) for the offices of president and vice president of the  
12 United States, their addresses, and a sworn statement from both  
13 nominees giving their consent to the nomination;

14 (3) Identify the minor political party or the independent candidate  
15 on whose behalf the convention was held;

16 (4) Be verified by the oath of the presiding officer and secretary;

17 (5) Be accompanied by a nominating petition or petitions bearing  
18 the signatures and addresses of registered voters equal in number to  
19 that required by RCW 29A.20.140;

20 (6) Contain proof of publication of the notice of calling the  
21 convention; and

22 (7) Be submitted to the (~~appropriate filing officer~~) secretary of  
23 state not later than one week following the adjournment of the  
24 convention at which the nominations were made. (~~If the nominations~~  
25 ~~are made only for offices whose jurisdiction is entirely within one~~  
26 ~~county, the certificate and nominating petitions must be filed with the~~  
27 ~~county auditor. If a minor party or independent candidate convention~~  
28 ~~nominates any candidates for offices whose jurisdiction encompasses~~  
29 ~~more than one county, all nominating petitions and the convention~~  
30 ~~certificates must be filed with the secretary of state.~~)

31 **Sec. 409.** RCW 29A.20.170 and 2003 c 111 s 511 are each amended to  
32 read as follows:

33 (1) If two or more valid certificates of nomination are filed  
34 purporting to nominate different candidates for (~~the same position~~)  
35 president and vice president using the same party name, the filing  
36 officer must give effect to both certificates. If conflicting claims

1 to the party name are not resolved either by mutual agreement or by a  
2 judicial determination of the right to the name, the candidates must be  
3 treated as independent candidates. Disputes over the right to the name  
4 must not be permitted to delay the printing of either ballots or a  
5 voters' pamphlet. (~~Other candidates nominated by the same conventions  
6 may continue to use the partisan affiliation unless a court of  
7 competent jurisdiction directs otherwise.~~)

8 (2) A person affected may petition the superior court of ~~((the))~~  
9 Thurston county ~~((in which the filing officer is located))~~ for a  
10 judicial determination of the right to the name of a minor political  
11 party, either before or after documents are filed with the ~~((filing  
12 officer))~~ secretary of state. The court shall resolve the conflict  
13 between competing claims to the use of the same party name according to  
14 the following principles: (a) The prior established public use of the  
15 name during previous elections by a party composed of or led by the  
16 same individuals or individuals in documented succession; (b) prior  
17 established public use of the name earlier in the same election cycle;  
18 (c) ~~((the nomination of a more complete slate of candidates for a  
19 number of offices or in a number of different regions of the state;  
20 +d))~~ documented affiliation with a national or statewide party  
21 organization with an established use of the name; ~~((+e))~~ (d) the first  
22 date of filing of a certificate of nomination; and ~~((+f))~~ (e) such  
23 other indicia of an established right to use of the name as the court  
24 may deem relevant. ~~((If more than one filing officer is involved, and  
25 one of them is the secretary of state, the petition must be filed in  
26 the superior court for Thurston county.))~~ Upon resolving the conflict  
27 between competing claims, the court may also address any ballot  
28 designation for the candidate who does not prevail.

29 **Sec. 410.** RCW 29A.20.180 and 2003 c 111 s 512 are each amended to  
30 read as follows:

31 A minor political party or independent candidate convention  
32 nominating candidates for the offices of president and vice president  
33 of the United States shall, not later than ten days after the  
34 adjournment of the convention, submit a list of presidential electors  
35 to the office of the secretary of state. The list shall contain the  
36 names and the mailing addresses of the persons selected and shall be

1 verified by the (~~presiding officer of the convention~~) candidates  
2 named on the nominating petition.

3 **Sec. 411.** RCW 29A.20.190 and 2003 c 111 s 513 are each amended to  
4 read as follows:

5 Upon the receipt of the (~~certificate of nomination~~) nominating  
6 petition, the (~~officer with whom it is filed shall check the~~  
7 ~~certificate and~~) secretary of state shall canvass the signatures (~~on~~  
8 ~~the accompanying nominating petitions to determine if the requirements~~  
9 ~~of RCW 29A.20.140 have been met~~). Once the determination of the  
10 sufficiency of the petitions has been made, the filing officer shall  
11 notify the (~~presiding officer of the convention~~) candidates and any  
12 other persons requesting the notification(~~, of his or her decision~~  
13 ~~regarding the sufficiency of the certificate or the nominating~~  
14 ~~petitions~~). Any appeal regarding the filing officer's determination  
15 must be filed with the superior court of (~~the~~) Thurston county (~~in~~  
16 ~~which the certificate or petitions were filed~~) not later than five  
17 days from the date the determination is made, and shall be heard and  
18 finally disposed of by the court within five days of the filing.  
19 Nominating petitions shall not be available for public inspection or  
20 copying.

21 **Sec. 412.** RCW 29A.24.080 and 2003 c 111 s 608 are each amended to  
22 read as follows:

23 Any candidate may mail his or her declaration of candidacy for an  
24 office to the filing officer. Such declarations of candidacy shall be  
25 processed by the filing officer in the following manner:

26 (1) Any declaration received by the filing officer by mail before  
27 the tenth business day immediately preceding the first day for  
28 candidates to file for office shall be returned to the candidate  
29 submitting it, together with a notification that the declaration of  
30 candidacy was received too early to be processed. The candidate shall  
31 then be permitted to resubmit his or her declaration of candidacy  
32 during the filing period.

33 (2) Any properly executed declaration of candidacy received by mail  
34 on or after the tenth business day immediately preceding the first day  
35 for candidates to file for office and before the close of business on  
36 the last day of the filing period shall be included with filings made

1 in person during the filing period. In primaries for partisan offices  
2 and judicial (~~(elections)~~) offices the filing officer shall determine  
3 by lot the order in which the names of those candidates shall appear  
4 upon sample and absentee primary ballots.

5 (3) Any declaration of candidacy received by the filing officer  
6 after the close of business on the last day for candidates to file for  
7 office shall be rejected and returned to the candidate attempting to  
8 file it.

9 **Sec. 413.** RCW 29A.24.090 and 2003 c 111 s 609 are each amended to  
10 read as follows:

11 A filing fee of one dollar shall accompany each declaration of  
12 candidacy for precinct committee officer; a filing fee of ten dollars  
13 shall accompany the declaration of candidacy for any office with a  
14 fixed annual salary of one thousand dollars or less; a filing fee equal  
15 to one percent of the annual salary of the office at the time of filing  
16 shall accompany the declaration of candidacy for any office with a  
17 fixed annual salary of more than one thousand dollars per annum. No  
18 filing fee need accompany a declaration of candidacy for any office for  
19 which compensation is on a per diem or per meeting attended basis.

20 A candidate who lacks sufficient assets or income at the time of  
21 filing to pay the filing fee required by this section shall submit with  
22 his or her declaration of candidacy a (~~(nominating)~~) petition. The  
23 petition shall contain not less than a number of signatures of  
24 registered voters equal to the number of dollars of the filing fee.  
25 The signatures shall be of voters registered to vote within the  
26 jurisdiction of the office for which the candidate is filing.

27 When the candidacy is for:

28 (1) A legislative or judicial office that includes territory from  
29 more than one county, the fee shall be paid to the secretary of state  
30 for equal division between the treasuries of the counties comprising  
31 the district.

32 (2) A city or town office, the fee shall be paid to the county  
33 auditor who shall transmit it to the city or town clerk for deposit in  
34 the city or town treasury.

35 **Sec. 414.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to  
36 read as follows:

1 The (~~nominating~~) filing petition authorized by RCW 29A.20.020 and  
2 29A.24.090 shall be printed on sheets of uniform color and size, shall  
3 contain no more than twenty numbered lines, and must be in  
4 substantially the following form:

5 The warning prescribed by RCW 29A.72.140; followed by:

6 We, the undersigned registered voters of  (the state of  
7 Washington or the political subdivision for which the (~~nomination~~)  
8 filing is made), hereby petition that the name of  (candidate's  
9 name) be printed on the official primary ballot for the office of  
10  (insert name of office).

11 If the candidate listed a political party as best representing his  
12 or her political philosophy on the declaration of candidacy, then the  
13 name of that party must appear on the nominating petition.

14 The petition must include a place for each individual to sign and  
15 print his or her name, and the address, city, and county at which he or  
16 she is registered to vote.

17 **Sec. 415.** RCW 29A.24.140 and 2003 c 111 s 614 are each amended to  
18 read as follows:

19 A void in candidacy for (~~a nonpartisan~~) an office occurs when an  
20 election for such office, except for the short term, has been scheduled  
21 and no valid declaration of candidacy has been filed for the position  
22 or all persons filing such valid declarations of candidacy have died or  
23 been disqualified.

24 **Sec. 416.** RCW 29A.24.150 and 2003 c 111 s 615 are each amended to  
25 read as follows:

26 The election officer with whom declarations of candidacy are filed  
27 shall give notice of a void in candidacy for (~~a nonpartisan~~) an  
28 office((7)) by notifying press, radio, and television in the county or  
29 counties involved and by such other means as may now or hereafter be  
30 provided by law. The notice shall state the office, and the time and  
31 place for filing declarations of candidacy.

32 **Sec. 417.** RCW 29A.24.160 and 2003 c 111 s 616 are each amended to  
33 read as follows:

34 Filings to fill a void in candidacy for (~~nonpartisan~~) an office

1 must be made in the same manner and with the same official as required  
2 during the regular filing period for such office(~~(, except that)~~).  
3 Nominating (~~(signature)~~) petitions that (~~(may be)~~) are required of  
4 candidates filing (~~(for certain district offices)~~) during the normal  
5 filing period may not be required of candidates filing during the  
6 special three-day filing period.

7 **Sec. 418.** RCW 29A.24.170 and 2003 c 111 s 617 are each amended to  
8 read as follows:

9 Filings for (~~(a nonpartisan)~~) an office shall be reopened for a  
10 period of three normal business days, such three day period to be fixed  
11 by the election officer with whom such declarations of candidacy are  
12 filed and notice thereof given by notifying press, radio, and  
13 television in the county or counties and by such other means as may now  
14 or hereafter be provided by law whenever before the sixth Tuesday prior  
15 to a primary:

- 16 (1) A void in candidacy occurs;
- 17 (2) A vacancy occurs in (~~(any nonpartisan)~~) an office leaving an  
18 unexpired term to be filled by an election for which filings have not  
19 been held; or
- 20 (3) A nominee for judge of the superior court entitled to a  
21 certificate of election pursuant to Article 4, section 29, Amendment 41  
22 of the state Constitution, dies or is disqualified.

23 Candidacies validly filed within said three-day period shall appear  
24 on the ballot as if made during the earlier filing period.

25 **Sec. 419.** RCW 29A.24.190 and 2003 c 111 s 619 are each amended to  
26 read as follows:

27 A scheduled election (~~(shall be lapsed)~~) lapses, the office is  
28 deemed stricken from the ballot, no purported write-in votes may be  
29 counted, and no candidate may be certified as elected, when:

- 30 (1) In an election for judge of the supreme court (~~(or)~~)  
31 superintendent of public instruction, or a partisan office, a void in  
32 candidacy occurs on or after the sixth Tuesday prior to a primary,  
33 public filings and the primary being an indispensable phase of the  
34 election process for such offices;

- 35 (2) Except as otherwise specified in RCW 29A.24.180, a (~~(nominee)~~)  
36 candidate for judge of the superior court entitled to a certificate of

1 election pursuant to Article 4, section 29, Amendment 41 of the state  
2 Constitution dies or is disqualified on or after the sixth Tuesday  
3 prior to a primary;

4 (3) In other elections for nonpartisan office a void in candidacy  
5 occurs or a vacancy occurs involving an unexpired term to be filled on  
6 or after the sixth Tuesday prior to an election.

7 **Sec. 420.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to  
8 read as follows:

9 Any person who desires to be a write-in candidate and have such  
10 votes counted at a primary or election may file a declaration of  
11 candidacy with the officer designated in RCW 29A.24.070 not later than  
12 the day before the primary or election. Declarations of candidacy for  
13 write-in candidates must be accompanied by a filing fee in the same  
14 manner as required of other candidates filing for the office as  
15 provided in RCW 29A.24.090.

16 Votes cast for write-in candidates who have filed such declarations  
17 of candidacy (~~(and write-in votes for persons appointed by political~~  
18 ~~parties pursuant to RCW 29A.28.020))~~) need only specify the name of the  
19 candidate in the appropriate location on the ballot in order to be  
20 counted. Write-in votes cast for any other candidate, in order to be  
21 counted, must designate the office sought and position number (~~(or~~  
22 ~~political party))~~), if the manner in which the write-in is done does not  
23 make the office or position clear. In order for write-in votes to be  
24 valid in jurisdictions employing optical-scan mark sense ballot systems  
25 the voter must complete the proper mark next to the write-in line for  
26 that office.

27 No person may file as a write-in candidate where:

28 (1) At a general election, the person attempting to file either  
29 filed as a write-in candidate for the same office at the preceding  
30 primary or the person's name appeared on the ballot for the same office  
31 at the preceding primary;

32 (2) The person attempting to file as a write-in candidate has  
33 already filed a valid write-in declaration for that primary or  
34 election, unless one or the other of the two filings is for the office  
35 of precinct committeeperson;

36 (3) The name of the person attempting to file already appears on

1 the ballot as a candidate for another office, unless one of the two  
2 offices for which he or she is a candidate is precinct committeeperson.

3 The declaration of candidacy shall be similar to that required by  
4 RCW 29A.24.030. No write-in candidate filing under this section may be  
5 included in any voter's pamphlet produced under chapter 29A.32 RCW  
6 unless that candidate qualifies to have his or her name printed on the  
7 general election ballot. The legislative authority of any jurisdiction  
8 producing a local voter's pamphlet under chapter 29A.32 RCW may  
9 provide, by ordinance, for the inclusion of write-in candidates in such  
10 pamphlets.

11 NEW SECTION. **Sec. 421.** A new section is added to chapter 29A.28  
12 RCW to read as follows:

13 If the death or disqualification of a candidate for a partisan or  
14 nonpartisan office does not give rise to the opening of a new filing  
15 period under RCW 29A.24.170, then the following will occur:

16 (1) If the candidate dies or becomes disqualified after filing a  
17 declaration of candidacy but before the close of the filing period,  
18 then the declaration of candidacy is void and his or her name will not  
19 appear on the ballot;

20 (2) If the candidate dies or becomes disqualified after the close  
21 of the filing period but before the day of the primary, then his or her  
22 name will appear on the primary ballot and all otherwise valid votes  
23 for that candidate will be tabulated. The candidate's name will not  
24 appear on the general election ballot even if he or she otherwise would  
25 have qualified to do so, but no other candidate will advance, or be  
26 substituted, in the place of that candidate. If the candidate was the  
27 only candidate to qualify to advance to the general election, then the  
28 general election for that office lapses, and the office will be  
29 regarded as vacant as of the time the newly elected official would have  
30 otherwise taken office;

31 (3) If the candidate dies or becomes disqualified on or after the  
32 day of the primary, and he or she would have otherwise qualified to  
33 appear on the general election ballot, then his or her name will appear  
34 on the general election ballot and all otherwise valid votes for that  
35 candidate will be tabulated. If the candidate received a number of  
36 votes sufficient to be elected to office, but for his or her death or

1 disqualification, then the office will be regarded as vacant as of the  
2 time the newly elected official would have otherwise taken office.

3 **Sec. 422.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to  
4 read as follows:

5 (1) Whenever a vacancy occurs in the United States house of  
6 representatives or the United States senate from this state, the  
7 governor shall order a special election to fill the vacancy.

8 (2) Within ten days of such vacancy occurring, he or she shall  
9 issue a writ of election fixing a date for the special vacancy election  
10 not less than ninety days after the issuance of the writ, fixing a date  
11 for the primary for ~~((nominating))~~ qualifying candidates for the  
12 special vacancy election not less than thirty days before the day fixed  
13 for holding the special vacancy election, fixing the dates for the  
14 special filing period, and designating the term or part of the term for  
15 which the vacancy exists. If the vacancy is in the office of United  
16 States representative, the writ of election shall specify the  
17 congressional district that is vacant.

18 (3) If the vacancy occurs less than six months before a state  
19 general election and before the second Friday following the close of  
20 the filing period for that general election, the special primary and  
21 special vacancy elections shall be held in concert with the state  
22 primary and state general election in that year.

23 (4) If the vacancy occurs on or after the first day for filing  
24 under RCW 29A.24.050 and on or before the second Friday following the  
25 close of the filing period, a special filing period of three normal  
26 business days shall be fixed by the governor and notice thereof given  
27 to all media, including press, radio, and television within the area in  
28 which the vacancy election is to be held, to the end that, insofar as  
29 possible, all interested persons will be aware of such filing period.  
30 The last day of the filing period shall not be later than the third  
31 Tuesday before the primary ~~((at which candidates are to be nominated))~~.  
32 The names of candidates who have filed valid declarations of candidacy  
33 during this three-day period shall appear on the approaching primary  
34 ballot.

35 (5) If the vacancy occurs later than the second Friday following  
36 the close of the filing period, a special primary and special vacancy

1 election to fill the position shall be held after the next state  
2 general election but, in any event, no later than the ninetieth day  
3 following the November election.

4 **Sec. 423.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to  
5 read as follows:

6 The general election laws and laws relating to (~~partisan~~)  
7 primaries (~~shall~~) for partisan offices apply to the special primaries  
8 and vacancy elections provided for in RCW 29A.28.040 through 29A.28.050  
9 to the extent that they are not inconsistent with the provisions of  
10 these sections. Statutory time deadlines relating to availability of  
11 absentee ballots, certification, canvassing, and related procedures  
12 that cannot be met in a timely fashion may be modified for the purposes  
13 of a specific primary or vacancy election under this chapter by the  
14 secretary of state through emergency rules adopted under RCW  
15 29A.04.610.

16 **Sec. 424.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to  
17 read as follows:

18 The voters' pamphlet must contain:

19 (1) Information about each ballot measure initiated by or referred  
20 to the voters for their approval or rejection as required by RCW  
21 29A.32.070;

22 (2) In even-numbered years, statements, if submitted, advocating  
23 the candidacies of (~~nominees~~) candidates qualified to appear on the  
24 ballot for the office of president and vice president of the United  
25 States, United States senator, United States representative, governor,  
26 lieutenant governor, secretary of state, state treasurer, state  
27 auditor, attorney general, commissioner of public lands, superintendent  
28 of public instruction, insurance commissioner, state senator, state  
29 representative, justice of the supreme court, judge of the court of  
30 appeals, or judge of the superior court. Candidates may also submit a  
31 campaign mailing address and telephone number and a photograph not more  
32 than five years old and of a size and quality that the secretary of  
33 state determines to be suitable for reproduction in the voters'  
34 pamphlet;

35 (3) In odd-numbered years, if any office voted upon statewide

1 appears on the ballot due to a vacancy, then statements and photographs  
2 for candidates for any vacant office listed in subsection (2) of this  
3 section must appear;

4 (4) In even-numbered years, a section explaining how voters may  
5 participate in the election campaign process; the address and telephone  
6 number of the public disclosure commission established under RCW  
7 42.17.350; and a summary of the disclosure requirements that apply when  
8 contributions are made to candidates and political committees;

9 (5) In even-numbered years the name, address, and telephone number  
10 of each political party (~~(with nominees listed in the pamphlet, if~~  
11 ~~filed with the secretary of state by the state committee of a major~~  
12 ~~political party or the presiding officer of the convention of a minor~~  
13 ~~political party)) for which a candidate appearing on the ballot has  
14 expressed a preference on his or her declaration of candidacy, if the  
15 party has provided that information to the secretary of state;~~

16 (6) In each odd-numbered year immediately before a year in which a  
17 president of the United States is to be nominated and elected,  
18 information explaining the precinct caucus and convention process used  
19 by each major political party to elect delegates to its national  
20 presidential candidate nominating convention. The pamphlet must also  
21 provide a description of the statutory procedures by which minor  
22 political parties are formed and the statutory methods used by the  
23 parties to nominate candidates for president;

24 (7) In even-numbered years, a description of the office of precinct  
25 committee officer and its duties;

26 (8) An application form for an absentee ballot;

27 (9) A brief statement explaining the deletion and addition of  
28 language for proposed measures under RCW 29A.32.080;

29 (10) Any additional information pertaining to elections as may be  
30 required by law or in the judgment of the secretary of state is deemed  
31 informative to the voters.

32 **Sec. 425.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to  
33 read as follows:

34 On or before the day following the last day allowed for (~~(political~~  
35 ~~parties to fill vacancies in the ticket as provided by RCW 29A.28.010))  
36 candidates to withdraw under RCW 29A.24.130, the secretary of state  
37 shall certify to each county auditor a list of the candidates who have~~

1 filed declarations of candidacy in his or her office for the primary.  
2 For each office, the certificate shall include the name of each  
3 candidate, his or her address, and his or her party ((~~designation~~))  
4 preference, if any.

5 **Sec. 426.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to  
6 read as follows:

7 Except for the candidates for the positions of president and vice  
8 president or for a partisan or nonpartisan office for which no primary  
9 is required, the names of all candidates who, under this title, filed  
10 a declaration of candidacy(~~(, were certified as a candidate to fill a~~  
11 ~~vacancy on a major party ticket, or were nominated as an independent or~~  
12 ~~minor party candidate))~~ will appear on the appropriate ballot at the  
13 primary throughout the jurisdiction ((~~in which they are to be~~  
14 ~~nominated~~)) of the office for which they are a candidate.

15 **Sec. 427.** RCW 29A.36.200 and 2003 c 111 s 920 are each amended to  
16 read as follows:

17 The names of the persons certified ((~~as nominees~~)) by the secretary  
18 of state or the county canvassing board as having qualified to appear  
19 on the general election ballot shall be printed on the ballot at the  
20 ensuing election.

21 No name of any candidate ((~~whose nomination at a primary is~~  
22 ~~required by law shall~~)) for an office for which a primary is conducted  
23 may be placed upon the ballot at a general or special election unless  
24 it appears upon the certificate of either (1) the secretary of  
25 state((~~7~~)) or (2) the county canvassing board(~~(, or (3) a minor party~~  
26 ~~convention or the state or county central committee of a major~~  
27 ~~political party to fill a vacancy on its ticket under RCW 29A.28.020))~~).

28 Excluding the office of precinct committee officer or a temporary  
29 elected position such as a charter review board member or freeholder,  
30 a candidate's name shall not appear more than once upon a ballot for a  
31 position regularly nominated or elected at the same election.

32 **Sec. 428.** RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to  
33 read as follows:

34 Whenever it shall be necessary to hold a special election in an  
35 odd-numbered year to fill an unexpired term of any office which is

1 scheduled to be voted upon for a full term in an even-numbered year, no  
2 ((September)) primary election shall be held in the odd-numbered year  
3 if, after the last day allowed for candidates to withdraw, ((either of  
4 the following circumstances exist:

5 (1) ~~No more than one candidate of each qualified political party~~  
6 ~~has filed a declaration of candidacy for the same partisan office to be~~  
7 ~~filled; or~~

8 (2)) no more than two candidates have filed a declaration of  
9 candidacy for a single ((nonpartisan)) office to be filled.

10 In ((either)) this event, the officer with whom the declarations of  
11 candidacy were filed shall immediately notify all candidates concerned  
12 and the names of the candidates that would have been printed upon the  
13 ((September)) primary ballot, but for the provisions of this section,  
14 shall be printed as ((nominees)) candidates for the positions sought  
15 upon the ((November)) general election ballot.

16 **Sec. 429.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to  
17 read as follows:

18 No later than the day following the certification of the returns of  
19 any primary, the secretary of state shall certify to the appropriate  
20 county auditors, the names of all persons ((nominated)) qualified to  
21 appear on the general election ballot as candidates for offices, the  
22 returns of which have been canvassed by the secretary of state.

23 **Sec. 430.** RCW 29A.52.350 and 2003 c 111 s 1313 are each amended to  
24 read as follows:

25 Except as provided in RCW 29A.32.260, notice for any state,  
26 county, district, or municipal election, whether special or general,  
27 must be given by at least one publication not more than ten nor less  
28 than three days before the election by the county auditor or the  
29 officer conducting the election as the case may be, in one or more  
30 newspapers of general circulation within the county. The legal notice  
31 must contain the title of each office under the proper party  
32 ((designation)) preference, the names and addresses of all ((officers))  
33 candidates who have been ((nominated)) qualified to appear on the  
34 ballot for an office to be voted upon at that election, together with  
35 the ballot titles of all measures, the hours during which the polls  
36 will be open, and the polling places for each precinct, giving the

1 address of each polling place. The names of all candidates for  
2 nonpartisan offices must be published separately with designation of  
3 the offices for which they are candidates but without party  
4 designation. This is the only notice required for a state, county,  
5 district, or municipal general or special election and supersedes the  
6 provisions of any and all other statutes, whether general or special in  
7 nature, having different requirements for the giving of notice of any  
8 general or special elections.

9 **Sec. 431.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to  
10 read as follows:

11 (1) For any office at any election or primary, any voter may write  
12 in on the ballot the name of any person for an office who has filed as  
13 a write-in candidate for the office in the manner provided by RCW  
14 29A.24.310 and such vote shall be counted the same as if the name had  
15 been printed on the ballot and marked by the voter. No write-in vote  
16 made for any person who has not filed a declaration of candidacy  
17 pursuant to RCW 29A.24.310 is valid if that person filed for the same  
18 office, either as a regular candidate or a write-in candidate, at the  
19 preceding primary. Any abbreviation used to designate office,  
20 position, or political party shall be accepted if the canvassing board  
21 can determine, to their satisfaction, the voter's intent.

22 (2) The number of write-in votes cast for each office must be  
23 recorded and reported with the canvass for the election.

24 (3) Write-in votes cast for an individual candidate for an office  
25 need not be tallied if the total number of write-in votes cast for the  
26 office is not greater than the number of votes cast for the candidate  
27 apparently (~~nominated~~) qualified to appear on the general election  
28 ballot or elected, and the write-in votes could not have altered the  
29 outcome of the primary or election. In the case of write-in votes for  
30 statewide office or for any office whose jurisdiction encompasses more  
31 than one county, write-in votes for an individual candidate must be  
32 tallied whenever the county auditor is notified by either the office of  
33 the secretary of state or another auditor in a multicounty jurisdiction  
34 that it appears that the write-in votes could alter the outcome of the  
35 primary or election.

36 (4) In the case of statewide offices or jurisdictions that  
37 encompass more than one county, if the total number of write-in votes

1 cast for an office within a county is greater than the number of votes  
2 cast for a candidate apparently (~~nominated~~) qualified to appear on  
3 the general election ballot or elected in a primary or election, the  
4 auditor shall tally all write-in votes for individual candidates for  
5 that office and notify the office of the secretary of state and the  
6 auditors of the other counties within the jurisdiction, that the write-  
7 in votes for individual candidates should be tallied.

8 **Sec. 432.** RCW 29A.60.220 and 2003 c 111 s 1522 are each amended to  
9 read as follows:

10 (1) If the requisite number of any federal, state, county, city, or  
11 district offices have not (~~been nominated~~) qualified to appear on the  
12 general election ballot in a primary by reason of two or more persons  
13 having an equal and requisite number of votes for being placed on the  
14 general election ballot, the official empowered by state law to certify  
15 candidates for the general election ballot shall give notice to the  
16 several persons so having the equal and requisite number of votes to  
17 attend at the appropriate office at the time designated by that  
18 official, who shall then and there proceed publicly to decide by lot  
19 which of those persons will be declared (~~nominated~~) qualified and  
20 placed on the general election ballot.

21 (2) If the requisite number of any federal, state, county, city,  
22 district, or precinct officers have not been elected by reason of two  
23 or more persons having an equal and highest number of votes for one and  
24 the same office, the official empowered by state law to issue the  
25 original certificate of election shall give notice to the several  
26 persons so having the highest and equal number of votes to attend at  
27 the appropriate office at the time to be appointed by that official,  
28 who shall then and there proceed publicly to decide by lot which of  
29 those persons will be declared duly elected, and the official shall  
30 make out and deliver to the person thus duly declared elected a  
31 certificate of election.

32 **Sec. 433.** RCW 29A.64.010 and 2003 c 111 s 1601 are each amended to  
33 read as follows:

34 An officer of a political party or any person for whom votes were  
35 cast in a primary who was not declared (~~nominated~~) qualified to  
36 appear on the general election ballot may file a written application

1 for a recount of the votes or a portion of the votes cast at that  
2 primary for all persons for whom votes were cast for (~~(nomination to)~~)  
3 that office.

4 An officer of a political party or any person for whom votes were  
5 cast at any election may file a written application for a recount of  
6 the votes or a portion of the votes cast at that election for all  
7 candidates for election to that office.

8 Any group of five or more registered voters may file a written  
9 application for a recount of the votes or a portion of the votes cast  
10 upon any question or issue. They shall designate one of the members of  
11 the group as chair and shall indicate the voting residence of each  
12 member of the group.

13 An application for a recount of the votes cast for an office or on  
14 a ballot measure must be filed with the officer with whom filings are  
15 made for the jurisdiction.

16 An application for a recount must specify whether the recount will  
17 be done manually or by the vote tally system. A recount done by the  
18 vote tally system must use programming that recounts and reports only  
19 the office or ballot measure in question. The county shall also  
20 provide for a test of the logic and accuracy of that program.

21 An application for a recount must be filed within three business  
22 days after the county canvassing board or secretary of state has  
23 declared the official results of the primary or election for the office  
24 or issue for which the recount is requested.

25 This chapter applies to the recounting of votes cast by paper  
26 ballots and to the recounting of votes recorded on ballots counted by  
27 a vote tally system.

28 **Sec. 434.** RCW 29A.64.020 and 2003 c 111 s 1602 are each amended to  
29 read as follows:

30 (1) If the official canvass of all of the returns for any office at  
31 any primary or election reveals that the difference in the number of  
32 votes cast for a candidate apparently (~~(nominated)~~) qualified to appear  
33 on the general election ballot or elected to any office and the number  
34 of votes cast for the closest apparently defeated opponent is less than  
35 two thousand votes and also less than one-half of one percent of the  
36 total number of votes cast for both candidates, the county canvassing  
37 board shall conduct a recount of all votes cast on that position.

1 (a) Whenever such a difference occurs in the number of votes cast  
2 for candidates for a position the declaration of candidacy for which  
3 was filed with the secretary of state, the secretary of state shall,  
4 within three business days of the day that the returns of the primary  
5 or election are first certified by the canvassing boards of those  
6 counties, direct those boards to recount all votes cast on the  
7 position.

8 (b) If the difference in the number of votes cast for the apparent  
9 winner and the closest apparently defeated opponent is less than one  
10 hundred fifty votes and also less than one-fourth of one percent of the  
11 total number of votes cast for both candidates, the votes shall be  
12 recounted manually or as provided in subsection (3) of this section.

13 (2) A mandatory recount shall be conducted in the manner provided  
14 by RCW 29A.64.030, 29A.64.040, and 29A.64.060. No cost of a mandatory  
15 recount may be charged to any candidate.

16 (3) The apparent winner and closest apparently defeated opponent  
17 for an office for which a manual recount is required under subsection  
18 (1)(b) of this section may select an alternative method of conducting  
19 the recount. To select such an alternative, the two candidates shall  
20 agree to the alternative in a signed, written statement filed with the  
21 election official for the office. The recount shall be conducted using  
22 the alternative method if: It is suited to the balloting system that  
23 was used for casting the votes for the office; it involves the use of  
24 a vote tallying system that is approved for use in this state by the  
25 secretary of state; and the vote tallying system is readily available  
26 in each county required to conduct the recount. If more than one  
27 balloting system was used in casting votes for the office, an  
28 alternative to a manual recount may be selected for each system.

29 **Sec. 435.** RCW 29A.64.040 and 2003 c 111 s 1604 are each amended to  
30 read as follows:

31 (1) At the time and place established for a recount, the canvassing  
32 board or its duly authorized representatives, in the presence of all  
33 witnesses who may be in attendance, shall open the sealed containers  
34 containing the ballots to be recounted, and shall recount the votes for  
35 the offices or issues for which the recount has been ordered. Ballots  
36 shall be handled only by the members of the canvassing board or their  
37 duly authorized representatives.

1 Witnesses shall be permitted to observe the ballots and the process  
2 of tabulating the votes, but they shall not be permitted to handle the  
3 ballots. The canvassing board shall not permit the tabulation of votes  
4 for any (~~(nomination, election,)~~) office or issue other than the ones  
5 for which a recount was applied for or required.

6 (2) At any time before the ballots from all of the precincts listed  
7 in the application for the recount have been recounted, the applicant  
8 may file with the board a written request to stop the recount.

9 (3) The recount may be observed by persons representing the  
10 candidates affected by the recount or the persons representing both  
11 sides of an issue that is being recounted. The observers may not make  
12 a record of the names, addresses, or other information on the ballots,  
13 poll books, or applications for absentee ballots unless authorized by  
14 the superior court. The secretary of state or county auditor may limit  
15 the number of observers to not less than two on each side if, in his or  
16 her opinion, a greater number would cause undue delay or disruption of  
17 the recount process.

18 **Sec. 436.** RCW 29A.64.060 and 2003 c 111 s 1606 are each amended to  
19 read as follows:

20 Upon completion of the canvass of a recount, the canvassing board  
21 shall prepare and certify an amended abstract showing the votes cast in  
22 each precinct for which the recount was conducted. Copies of the  
23 amended abstracts must be transmitted to the same officers who received  
24 the abstract on which the recount was based.

25 If the (~~(nomination, election,)~~) office or issue for which the  
26 recount was conducted was submitted only to the voters of a county, the  
27 canvassing board shall file the amended abstract with the original  
28 results of that election or primary.

29 If the (~~(nomination, election,)~~) office or issue for which a  
30 recount was conducted was submitted to the voters of more than one  
31 county, the secretary of state shall canvass the amended abstracts and  
32 shall file an amended abstract with the original results of that  
33 election. An amended abstract certified under this section supersedes  
34 any prior abstract of the results for the same offices or issues at the  
35 same primary or election.

1           **Sec. 437.** RCW 29A.64.080 and 2003 c 111 s 1608 are each amended to  
2 read as follows:

3           The canvassing board shall determine the expenses for conducting a  
4 recount of votes.

5           The cost of the recount shall be deducted from the amount deposited  
6 by the applicant for the recount at the time of filing the request for  
7 the recount, and the balance shall be returned to the applicant. If  
8 the costs of the recount exceed the deposit, the applicant shall pay  
9 the difference. No charges may be deducted by the canvassing board  
10 from the deposit for a recount if the recount changes the result of the  
11 (~~(nomination)~~) primary or election for which the recount was ordered.

12           **Sec. 438.** RCW 29A.84.710 and 2003 c 111 s 2137 are each amended to  
13 read as follows:

14           Every person who:

15           (1) Knowingly and falsely issues a certificate of (~~(nomination or)~~)  
16 election or a certificate stating which candidates for office have  
17 qualified to appear on the general election ballot; or

18           (2) Knowingly provides false information on a certificate which  
19 must be filed with an elections officer under RCW (~~(29A.20.110 through~~  
20 ~~29A.20.200)~~) 29A.20.120 through 29A.20.180, is guilty of a class C  
21 felony punishable under RCW 9A.20.021.

22           **Sec. 439.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read  
23 as follows:

24           (1) "Agency" includes all state agencies and all local agencies.  
25 "State agency" includes every state office, department, division,  
26 bureau, board, commission, or other state agency. "Local agency"  
27 includes every county, city, town, municipal corporation, quasi-  
28 municipal corporation, or special purpose district, or any office,  
29 department, division, bureau, board, commission, or agency thereof, or  
30 other local public agency.

31           (2) "Authorized committee" means the political committee authorized  
32 by a candidate, or by the public official against whom recall charges  
33 have been filed, to accept contributions or make expenditures on behalf  
34 of the candidate or public official.

35           (3) "Ballot proposition" means any "measure" as defined by RCW  
36 (~~(29.01.110)~~) 29A.04.091, or any initiative, recall, or referendum

1 proposition proposed to be submitted to the voters of the state or any  
2 municipal corporation, political subdivision, or other voting  
3 constituency from and after the time when the proposition has been  
4 initially filed with the appropriate election officer of that  
5 constituency prior to its circulation for signatures.

6 (4) "Benefit" means a commercial, proprietary, financial, economic,  
7 or monetary advantage, or the avoidance of a commercial, proprietary,  
8 financial, economic, or monetary disadvantage.

9 (5) "Bona fide political party" means:

10 (a) An organization that has filed a valid certificate of  
11 nomination with the secretary of state under chapter ((29.24)) 29A.20  
12 RCW;

13 (b) The governing body of the state organization of a major  
14 political party, as defined in RCW ((29.01.090)) 29A.04.085, that is  
15 the body authorized by the charter or bylaws of the party to exercise  
16 authority on behalf of the state party; or

17 (c) The county central committee or legislative district committee  
18 of a major political party. There may be only one legislative district  
19 committee for each party in each legislative district.

20 (6) "Depository" means a bank designated by a candidate or  
21 political committee pursuant to RCW 42.17.050.

22 (7) "Treasurer" and "deputy treasurer" mean the individuals  
23 appointed by a candidate or political committee, pursuant to RCW  
24 42.17.050, to perform the duties specified in that section.

25 (8) "Candidate" means any individual who seeks nomination for  
26 election or election to public office. An individual seeks nomination  
27 or election when he or she first:

28 (a) Receives contributions or makes expenditures or reserves space  
29 or facilities with intent to promote his or her candidacy for office;

30 (b) Announces publicly or files for office;

31 (c) Purchases commercial advertising space or broadcast time to  
32 promote his or her candidacy; or

33 (d) Gives his or her consent to another person to take on behalf of  
34 the individual any of the actions in (a) or (c) of this subsection.

35 (9) "Caucus political committee" means a political committee  
36 organized and maintained by the members of a major political party in  
37 the state senate or state house of representatives.

1 (10) "Commercial advertiser" means any person who sells the service  
2 of communicating messages or producing printed material for broadcast  
3 or distribution to the general public or segments of the general public  
4 whether through the use of newspapers, magazines, television and radio  
5 stations, billboard companies, direct mail advertising companies,  
6 printing companies, or otherwise.

7 (11) "Commission" means the agency established under RCW 42.17.350.

8 (12) "Compensation" unless the context requires a narrower meaning,  
9 includes payment in any form for real or personal property or services  
10 of any kind: PROVIDED, That for the purpose of compliance with RCW  
11 42.17.241, the term "compensation" shall not include per diem  
12 allowances or other payments made by a governmental entity to reimburse  
13 a public official for expenses incurred while the official is engaged  
14 in the official business of the governmental entity.

15 (13) "Continuing political committee" means a political committee  
16 that is an organization of continuing existence not established in  
17 anticipation of any particular election campaign.

18 (14)(a) "Contribution" includes:

19 (i) A loan, gift, deposit, subscription, forgiveness of  
20 indebtedness, donation, advance, pledge, payment, transfer of funds  
21 between political committees, or anything of value, including personal  
22 and professional services for less than full consideration;

23 (ii) An expenditure made by a person in cooperation, consultation,  
24 or concert with, or at the request or suggestion of, a candidate, a  
25 political committee, or their agents;

26 (iii) The financing by a person of the dissemination, distribution,  
27 or republication, in whole or in part, of broadcast, written, graphic,  
28 or other form of political advertising prepared by a candidate, a  
29 political committee, or its authorized agent;

30 (iv) Sums paid for tickets to fund-raising events such as dinners  
31 and parties, except for the actual cost of the consumables furnished at  
32 the event.

33 (b) "Contribution" does not include:

34 (i) Standard interest on money deposited in a political committee's  
35 account;

36 (ii) Ordinary home hospitality;

37 (iii) A contribution received by a candidate or political committee

1 that is returned to the contributor within five business days of the  
2 date on which it is received by the candidate or political committee;

3 (iv) A news item, feature, commentary, or editorial in a regularly  
4 scheduled news medium that is of primary interest to the general  
5 public, that is in a news medium controlled by a person whose business  
6 is that news medium, and that is not controlled by a candidate or a  
7 political committee;

8 (v) An internal political communication primarily limited to the  
9 members of or contributors to a political party organization or  
10 political committee, or to the officers, management staff, or  
11 stockholders of a corporation or similar enterprise, or to the members  
12 of a labor organization or other membership organization;

13 (vi) The rendering of personal services of the sort commonly  
14 performed by volunteer campaign workers, or incidental expenses  
15 personally incurred by volunteer campaign workers not in excess of  
16 fifty dollars personally paid for by the worker. "Volunteer services,"  
17 for the purposes of this section, means services or labor for which the  
18 individual is not compensated by any person;

19 (vii) Messages in the form of reader boards, banners, or yard or  
20 window signs displayed on a person's own property or property occupied  
21 by a person. However, a facility used for such political advertising  
22 for which a rental charge is normally made must be reported as an in-  
23 kind contribution and counts towards any applicable contribution limit  
24 of the person providing the facility;

25 (viii) Legal or accounting services rendered to or on behalf of:

26 (A) A political party or caucus political committee if the person  
27 paying for the services is the regular employer of the person rendering  
28 such services; or

29 (B) A candidate or an authorized committee if the person paying for  
30 the services is the regular employer of the individual rendering the  
31 services and if the services are solely for the purpose of ensuring  
32 compliance with state election or public disclosure laws.

33 (c) Contributions other than money or its equivalent are deemed to  
34 have a monetary value equivalent to the fair market value of the  
35 contribution. Services or property or rights furnished at less than  
36 their fair market value for the purpose of assisting any candidate or  
37 political committee are deemed a contribution. Such a contribution

1 must be reported as an in-kind contribution at its fair market value  
2 and counts towards any applicable contribution limit of the provider.

3 (15) "Elected official" means any person elected at a general or  
4 special election to any public office, and any person appointed to fill  
5 a vacancy in any such office.

6 (16) "Election" includes any primary, general, or special election  
7 for public office and any election in which a ballot proposition is  
8 submitted to the voters: PROVIDED, That an election in which the  
9 qualifications for voting include other than those requirements set  
10 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
11 the state of Washington shall not be considered an election for  
12 purposes of this chapter.

13 (17) "Election campaign" means any campaign in support of or in  
14 opposition to a candidate for election to public office and any  
15 campaign in support of, or in opposition to, a ballot proposition.

16 (18) "Election cycle" means the period beginning on the first day  
17 of December after the date of the last previous general election for  
18 the office that the candidate seeks and ending on November 30th after  
19 the next election for the office. In the case of a special election to  
20 fill a vacancy in an office, "election cycle" means the period  
21 beginning on the day the vacancy occurs and ending on November 30th  
22 after the special election.

23 (19) "Expenditure" includes a payment, contribution, subscription,  
24 distribution, loan, advance, deposit, or gift of money or anything of  
25 value, and includes a contract, promise, or agreement, whether or not  
26 legally enforceable, to make an expenditure. The term "expenditure"  
27 also includes a promise to pay, a payment, or a transfer of anything of  
28 value in exchange for goods, services, property, facilities, or  
29 anything of value for the purpose of assisting, benefiting, or honoring  
30 any public official or candidate, or assisting in furthering or  
31 opposing any election campaign. For the purposes of this chapter,  
32 agreements to make expenditures, contracts, and promises to pay may be  
33 reported as estimated obligations until actual payment is made. The  
34 term "expenditure" shall not include the partial or complete repayment  
35 by a candidate or political committee of the principal of a loan, the  
36 receipt of which loan has been properly reported.

37 (20) "Final report" means the report described as a final report in  
38 RCW 42.17.080(2).

1 (21) "General election" for the purposes of RCW 42.17.640 means the  
2 election that results in the election of a person to a state office.  
3 It does not include a primary.

4 (22) "Gift," is as defined in RCW 42.52.010.

5 (23) "Immediate family" includes the spouse, dependent children,  
6 and other dependent relatives, if living in the household. For the  
7 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means  
8 an individual's spouse, and child, stepchild, grandchild, parent,  
9 stepparent, grandparent, brother, half brother, sister, or half sister  
10 of the individual and the spouse of any such person and a child,  
11 stepchild, grandchild, parent, stepparent, grandparent, brother, half  
12 brother, sister, or half sister of the individual's spouse and the  
13 spouse of any such person.

14 (24) "Independent expenditure" means an expenditure that has each  
15 of the following elements:

16 (a) It is made in support of or in opposition to a candidate for  
17 office by a person who is not (i) a candidate for that office, (ii) an  
18 authorized committee of that candidate for that office, (iii) a person  
19 who has received the candidate's encouragement or approval to make the  
20 expenditure, if the expenditure pays in whole or in part for political  
21 advertising supporting that candidate or promoting the defeat of any  
22 other candidate or candidates for that office, or (iv) a person with  
23 whom the candidate has collaborated for the purpose of making the  
24 expenditure, if the expenditure pays in whole or in part for political  
25 advertising supporting that candidate or promoting the defeat of any  
26 other candidate or candidates for that office;

27 (b) The expenditure pays in whole or in part for political  
28 advertising that either specifically names the candidate supported or  
29 opposed, or clearly and beyond any doubt identifies the candidate  
30 without using the candidate's name; and

31 (c) The expenditure, alone or in conjunction with another  
32 expenditure or other expenditures of the same person in support of or  
33 opposition to that candidate, has a value of five hundred dollars or  
34 more. A series of expenditures, each of which is under five hundred  
35 dollars, constitutes one independent expenditure if their cumulative  
36 value is five hundred dollars or more.

37 (25)(a) "Intermediary" means an individual who transmits a  
38 contribution to a candidate or committee from another person unless the

1 contribution is from the individual's employer, immediate family as  
2 defined for purposes of RCW 42.17.640 through 42.17.790, or an  
3 association to which the individual belongs.

4 (b) A treasurer or a candidate is not an intermediary for purposes  
5 of the committee that the treasurer or candidate serves.

6 (c) A professional fund-raiser is not an intermediary if the fund-  
7 raiser is compensated for fund-raising services at the usual and  
8 customary rate.

9 (d) A volunteer hosting a fund-raising event at the individual's  
10 home is not an intermediary for purposes of that event.

11 (26) "Legislation" means bills, resolutions, motions, amendments,  
12 nominations, and other matters pending or proposed in either house of  
13 the state legislature, and includes any other matter that may be the  
14 subject of action by either house or any committee of the legislature  
15 and all bills and resolutions that, having passed both houses, are  
16 pending approval by the governor.

17 (27) "Lobby" and "lobbying" each mean attempting to influence the  
18 passage or defeat of any legislation by the legislature of the state of  
19 Washington, or the adoption or rejection of any rule, standard, rate,  
20 or other legislative enactment of any state agency under the state  
21 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
22 "lobbying" includes an association's or other organization's act of  
23 communicating with the members of that association or organization.

24 (28) "Lobbyist" includes any person who lobbies either in his or  
25 her own or another's behalf.

26 (29) "Lobbyist's employer" means the person or persons by whom a  
27 lobbyist is employed and all persons by whom he or she is compensated  
28 for acting as a lobbyist.

29 (30) "Person" includes an individual, partnership, joint venture,  
30 public or private corporation, association, federal, state, or local  
31 governmental entity or agency however constituted, candidate,  
32 committee, political committee, political party, executive committee  
33 thereof, or any other organization or group of persons, however  
34 organized.

35 (31) "Person in interest" means the person who is the subject of a  
36 record or any representative designated by that person, except that if  
37 that person is under a legal disability, the term "person in interest"  
38 means and includes the parent or duly appointed legal representative.

1 (32) "Political advertising" includes any advertising displays,  
2 newspaper ads, billboards, signs, brochures, articles, tabloids,  
3 flyers, letters, radio or television presentations, or other means of  
4 mass communication, used for the purpose of appealing, directly or  
5 indirectly, for votes or for financial or other support in any election  
6 campaign.

7 (33) "Political committee" means any person (except a candidate or  
8 an individual dealing with his or her own funds or property) having the  
9 expectation of receiving contributions or making expenditures in  
10 support of, or opposition to, any candidate or any ballot proposition.

11 (34) "Primary" for the purposes of RCW 42.17.640 means the  
12 procedure for (~~nominating~~) qualifying a candidate to state office  
13 under chapter (~~29.18 or 29.21~~) 29A.52 RCW or any other primary for an  
14 election that uses, in large measure, the procedures established in  
15 chapter (~~29.18 or 29.21~~) 29A.52 RCW.

16 (35) "Public office" means any federal, state, county, city, town,  
17 school district, port district, special district, or other state  
18 political subdivision elective office.

19 (36) "Public record" includes any writing containing information  
20 relating to the conduct of government or the performance of any  
21 governmental or proprietary function prepared, owned, used, or retained  
22 by any state or local agency regardless of physical form or  
23 characteristics. For the office of the secretary of the senate and the  
24 office of the chief clerk of the house of representatives, public  
25 records means legislative records as defined in RCW 40.14.100 and also  
26 means the following: All budget and financial records; personnel  
27 leave, travel, and payroll records; records of legislative sessions;  
28 reports submitted to the legislature; and any other record designated  
29 a public record by any official action of the senate or the house of  
30 representatives.

31 (37) "Recall campaign" means the period of time beginning on the  
32 date of the filing of recall charges under RCW (~~29.82.015~~) 29A.56.120  
33 and ending thirty days after the recall election.

34 (38) "State legislative office" means the office of a member of the  
35 state house of representatives or the office of a member of the state  
36 senate.

37 (39) "State office" means state legislative office or the office of

1 governor, lieutenant governor, secretary of state, attorney general,  
2 commissioner of public lands, insurance commissioner, superintendent of  
3 public instruction, state auditor, or state treasurer.

4 (40) "State official" means a person who holds a state office.

5 (41) "Surplus funds" mean, in the case of a political committee or  
6 candidate, the balance of contributions that remain in the possession  
7 or control of that committee or candidate subsequent to the election  
8 for which the contributions were received, and that are in excess of  
9 the amount necessary to pay remaining debts incurred by the committee  
10 or candidate prior to that election. In the case of a continuing  
11 political committee, "surplus funds" mean those contributions remaining  
12 in the possession or control of the committee that are in excess of the  
13 amount necessary to pay all remaining debts when it makes its final  
14 report under RCW 42.17.065.

15 (42) "Writing" means handwriting, typewriting, printing,  
16 photostating, photographing, and every other means of recording any  
17 form of communication or representation, including, but not limited to,  
18 letters, words, pictures, sounds, or symbols, or combination thereof,  
19 and all papers, maps, magnetic or paper tapes, photographic films and  
20 prints, motion picture, film and video recordings, magnetic or punched  
21 cards, discs, drums, diskettes, sound recordings, and other documents  
22 including existing data compilations from which information may be  
23 obtained or translated.

24 As used in this chapter, the singular shall take the plural and any  
25 gender, the other, as the context requires.

26 NEW SECTION. Sec. 440. (1) Sections 101, 201, and 202 of this act  
27 need not be codified, but may appear as a note following RCW  
28 29A.52.110.

29 (2) The subheadings in chapter 29A.52 RCW "PARTISAN PRIMARIES" AND  
30 "NONPARTISAN PRIMARIES" will be combined under one subheading  
31 "PRIMARIES."

32 (3) The subheading in chapter 29A.20 RCW "MINOR PARTY AND  
33 INDEPENDENT CANDIDATE NOMINATIONS" will be changed to "MINOR AND  
34 INDEPENDENT PRESIDENTIAL CANDIDATES."

35 (4) The code reviser shall recaption RCW 29A.36.170 as "Candidates  
36 qualified for the general election."

1 (5) The code reviser shall recaption RCW 29A.52.210 as "Rights of  
2 voters in primary elections."

3 NEW SECTION. **Sec. 441.** The following acts or parts of acts are  
4 each repealed:

5 (1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;

6 (2) RCW 29A.20.110 (Definitions--"Convention" and "election  
7 jurisdiction.") and 2003 c 111 s 505, 1977 ex.s. c 329 s 1, & 1965 c 9  
8 s 29.24.010;

9 (3) RCW 29A.20.130 (Convention--Notice) and 2003 c 111 s 507;

10 (4) RCW 29A.20.200 (Declarations of candidacy required,  
11 exceptions--Payment of fees) and 2003 c 111 s 514, 1990 c 59 s 103,  
12 1989 c 215 s 8, 1977 ex.s. c 329 s 7, & 1965 c 9 s 29.24.070;

13 (5) RCW 29A.24.200 (Lapse of election when no filing for single  
14 positions--Effect) and 2003 c 111 s 620;

15 (6) RCW 29A.24.210 (Vacancy in partisan elective office--Special  
16 filing period) and 2003 c 111 s 621;

17 (7) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990  
18 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

19 (8) RCW 29A.28.020 (Death or disqualification--Correcting ballots--  
20 Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, &  
21 1977 ex.s. c 329 s 13; and

22 (9) RCW 29A.36.190 (Partisan candidates qualified for general  
23 election) and 2003 c 111 s 919.

24 NEW SECTION. **Sec. 442.** The secretary of state and county auditors  
25 may take such steps before this act takes effect as may be necessary to  
26 prepare to conduct an election under the terms of this act.

27 NEW SECTION. **Sec. 443.** Part headings used in this act are not any  
28 part of the law.

29 NEW SECTION. **Sec. 444.** If any provision of this act or its  
30 application to any person or circumstance is held invalid, the  
31 remainder of the act or the application of the provision to other  
32 persons or circumstances is not affected.

--- END ---